

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

IN RE:	)	
	)	
TERRY MANUFACTURING	)	CASE NO. 03-32063-WRS
COMPANY, INC.,	)	
	)	CHAPTER 7
Debtor.	)	

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J. LESTER ALEXANDER, III, TRUSTEE	)	
	)	CIVIL ACTION NO.
Plaintiff,	)	
	)	2:07-CV-0585
v.	)	
	)	
DELONG, CALDWELL, NOVOTNY,	)	
& BRIDGERS, L.L.C., <i>et al.</i>	)	
	)	
Defendants.	)	

**ORDER**

This case is before the court on plaintiff J. Lester Alexander's Motion to Consolidate (Doc. # 7). Alexander seeks consolidation of this action with 07-620, also pending in the Middle District of Alabama, because Alexander asserts that 07-620 is defendant DeLong's appeal and that 07-585 is plaintiff Alexander's cross-appeal. However, Alexander is mistaken as to the nature of the two cases, and the Motion to Consolidate is due to be DENIED.

By way of background, both this case and the other case arise out of the same bankruptcy adversary proceeding. However, the proceeding had two parts to it: a core and a non-core proceeding. With regard to the core proceeding, defendant DeLong filed an appeal and plaintiff Alexander filed a cross-appeal; each these appeals is before the court in case 07-

620. With regard to the non-core proceeding, the bankruptcy court entered proposed findings of fact and conclusions to which Alexander objected; the review of the bankruptcy court's proposed finding of facts and conclusions is before the court in case 07-585.

Alexander's argument that the cases should be consolidated because they represent an appeal and a cross-appeal is based on a misunderstanding of what each of the cases is about. The court will be reviewing different orders of the bankruptcy court in each case and will utilize a different standard of review. Moreover, consolidation is unnecessary as neither party has had to file anything with the court in 07-585 because the bankruptcy court transmitted the complete record, including Alexander's objection and DeLong's response.

Accordingly, it is ORDERED that the Motion to Consolidate (Doc. # 7) is DENIED.

Done this 9th day of January, 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE